

## Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

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| Owner/Applicant:                               | Mark Ralston, Jefferson Orchards Inc.  |
| Consultant                                     | Mark Dyck, Gordon  |
| Parcel Information<br>*Tax Maps = 242.21 acres | <p>Two vacant parcels East of Route 480, 1 mile North of Route 9 interchange<br/> Middleway (07); Tax Map: 3; Parcel: 29 and 35<br/> Current Zoning: Rural; Combined acreage: 238.9* acres (based on survey);<br/> Proposed Zoning District: Light Industrial (~43.7 acres); and,<br/> Proposed Zoning District: Residential Growth (~195.2 acres)</p> |
| Surrounding Properties:                        | North: Rural<br>South: Rural and City of Ranson<br>East: Rural<br>West: Rural/Village  |
| Proposed Request                               | To rezone from Rural to Light Industrial and Residential Growth  |
| Planning Commission Responsibility:            | To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .  |
| Staff Finding:                                 | Staff finds that the request is <u>not consistent</u> with the Future Land Use Guide of the 2035 Plan because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.   |

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Jefferson County Planning Commission Meeting  
May 11, 2021

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**Applicant's Request**

The applicant's request involves two vacant parcels East of Route 480, 1 mile North of Route 9 interchange (Middleway (07); Tax Map: 3; Parcel: 29 and 35). The two parcels consist of a total of 238.9 acres (based on a recent survey). The request is to rezone a 43.7 acre portion of Parcel 29 from Rural (R) to Light Industrial (LI) and the remaining 195.2 acres from Rural (R) to Residential Growth (RG).

**Existing Conditions/Neighboring Uses**

The proposed area to be rezoned is located on the northeast side of the Village of Kearneysville, which is the crossroads where WV 1 (Leetown Road) and WV 480 (Kearneysville Pike) meet and intersect with WV 115 (Old WV 9/Charles Town Road), and north/northwest of the Rockwool facility under construction within the Corporation of Ranson.

Kearneysville is a small village with a limited number of single family homes, a bank branch, a Post Office, and a limited number of commercial establishments. A corner gas station/convenience store that has been closed for a number of years is currently being reestablished. Historically, Charles Town Road (now WV 115; previously WV9) was the main southeast/northwest route from Charles Town/Ranson to Martinsburg. A new four-lane WV 9 was constructed approximately 10 years ago, which bypasses Kearneysville to the southwest.

To the west of Kearneysville toward the Berkeley County line are a number of rural residential lots, the West Virginia University Kearneysville Tree Fruit Research and Education Center and Hospice of the Panhandle. Berkeley County Public Water and Sewer Districts serve the industrial area within this area of Berkeley County and is slated to serve some new developments in Jefferson County in this area.

To the east of Kearneysville, properties in the unincorporated area of the County are either rural residential lots or rural/agricultural. A large orchard property that was annexed by the Corporation of Ranson has recently developed as a large industrial insulation manufacturing Plant. Public water and sewer services were extended from Ranson/Charles Town to serve this property.

Properties to the north of the rezoning request are zoned Rural and identified as general agricultural and large lot/rural residential uses on the Future Land Use Guide and are not served by public water and sewer. WV 480 is a two lane rural road owned and maintained by the state.

**Scope of this Assessment**

This staff report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various *Plan* sections and elements. Staff's professional recommendation is that the request is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary. If it is determined to be inconsistent, the Planning Commission should advise the County Commission whether the adjoining industrial development, and the related extension of utilities to the property, is a major change of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted (per §8A-7-9 et seq of the West Virginia State Code).

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

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**Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the Planning Commission must find that the amendment is consistent with the adopted *Comprehensive Plan*, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended.” [See WVC 8A-7-9(c) below].

“§8A-7-9. Amendments to the zoning ordinance by petition.

(c) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

**Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

**A. Land Use and Growth Management Element:**

**Preferred Growth Areas (PGA)/Urban Growth Boundaries (UGB)/Villages**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17): Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) are the areas of Jefferson County where urban scale development is to be targeted; and Rural/Agricultural Areas and Villages, are where limited development is possible, but not intended for urban-scale development.

The *Envision Jefferson 2035 Plan* recommends that new development should take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of the *Plan*. By encouraging higher densities within the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It also noted that these statements are not about reducing development, but about growing in a fashion that more efficiently uses existing infrastructure and services (p.27).

The *Plan* further discusses that a series of Preferred Growth Areas (PGAs) were identified in addition to the defined UGBs. These areas are outside the UGBs and are generally intended to develop using the County’s development standards. The *Plan* expected that water and sewer services and other

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infrastructure are either currently available or could be made available in the next two decades within the identified PGAs, due to the PGAs proximity to existing services or anticipated growth. It also states that while the PGAs are not intended to be promoted in favor of the UGB for the municipalities, both areas are expected to be viable areas for development (p.20).

In addition to the identified Preferred Growth Areas, the Comprehensive *Plan* discusses the nine (9) areas of the County that are zoned “Village”, one of which includes Kearneysville. The *Plan* acknowledges that the potential provision of water and sewer services, as well as other shared infrastructure, that could lead to the revitalization of the County’s villages and the restoration of the village centers as distinct, mixed-use communities. (p. 23) The *Plan* also recognizes that some of the existing villages may have opportunities for limited expansion that would complement the existing historic areas and support the sense of community that currently exists. Kearneysville is one of four villages that is included within one of an identified Preferred Growth Areas and has a Village Expansion Area identified on the Future Land Use Guide as a part of the PGA in which they are located. (p. 43)

The *Plan* recommends that, within the villages themselves, and the village expansion areas shown on the Future Land Use Guide, the form, scale, and design of new development in these areas will complement and integrate with the existing village areas. The *Plan* includes recommendations on the form and design of future development within the village expansion areas and states that new development within the Village Expansion Areas should reflect the traditional grid network and encourage the interconnectivity and walkability found in traditional village areas. (p. 43-44)

Goal #1 of the *Plan* clearly states that the goal is to require urban intensity residential and non-residential development to occur within existing urbanized areas, approved Urban Growth Boundaries, Villages, and/or the County’s identified Preferred Growth Areas. (p. 190) The fifth recommendation under this Goal is to “create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the *Plan* recommendations” (p.30).

**B. Future Land Use Guide/Map:**

**Route 9 Preferred Growth Area (PGA)/Ranson Urban Growth Boundary (UGB)**

The subject properties are located between the Route 9 PGA (between Kearneysville and Berkeley County) and the Ranson UGB Proposed Expansion Area, and outside the Kearneysville Village Expansion Area. It is an area that was not expected to have urban development and is, therefore, designated as Future Rural/Agricultural on the Land Use Guide.

Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line:

The *Plan* identifies this area as one that could be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The *Plan* expected that as growth occurred east from the Berkeley County line, the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. It also anticipated that the intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.” (p. 22, see Map from Appendix F below)

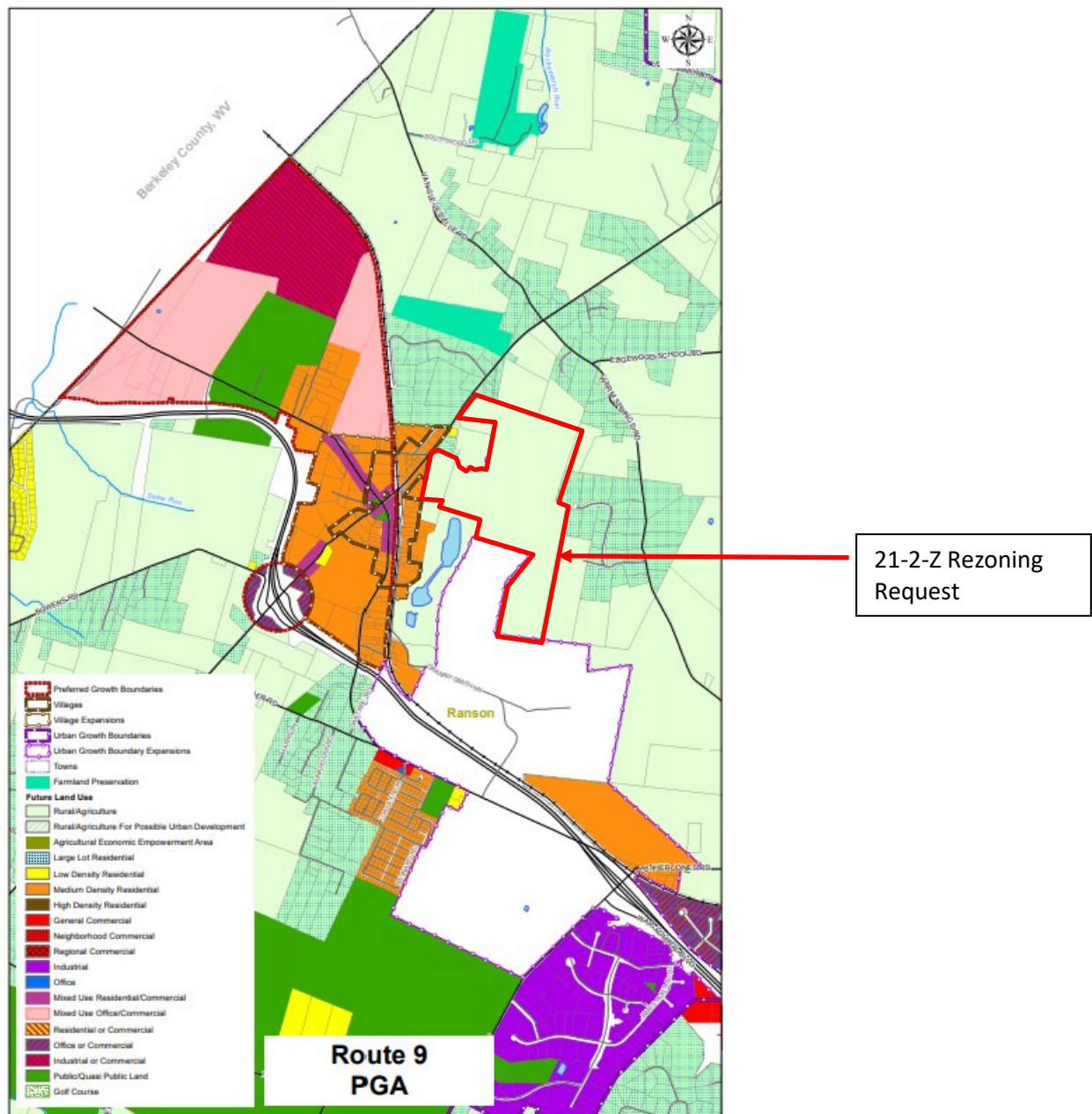
Ranson UGB/Expansion Area

In 2009, when the state law was amended to allow for the creation of Urban Growth Boundaries, Ranson formally requested that the County Commission approve their Urban Growth Boundary (UGB) and reflect it on the County Zoning Map. The Ranson UGB does not include the entire

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annexation area and ends south of the Burr Industrial and Business Park. The *Envision Jefferson 2035 Plan* proposed that the Ranson UGB be expanded to encompass the areas that are located outside of the adopted UGB, but within the municipality boundary, as well as the unincorporated area northeast of the intersection of WV 9 and Luther Jones Road. This expansion would include the properties referred to as Tackley Farm and Jefferson Orchards. At the time the *Plan* was written, the Jefferson Orchard property was proposed to become a transit oriented development and the proposed expansion area would have allowed the development of this area to occur in conjunction with the related Ranson development. (p.19)



The proposed Residential Growth and Light Industrial zoning classifications are not consistent with the Future Land Use Guide of the 2035 Plan because the subject properties are designated as Future

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Rural/Agricultural on the Land Use Guide and are outside the Preferred Growth Area (PGA) and the Urban Growth Boundary.

**C. County Commission Authority**

Under the Urban Level Development Recommendations (Goal 1), the County Commission added a recommendation that reads as follows:

“Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:

- a. Economic Well-Being of the County; or
- b. Error or Under Scrutinized Property on the Future Land Use Guide; or
- c. Change in Neighborhood; or
- d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
- e. Environmental impacts are considered.”

This discretionary authority does not appear to apply to the Planning Commission but can be considered by the County Commission after receiving input from the Planning Commission regarding conformance with the *Comprehensive Plan* and after the Public Hearing. As noted previously, WV Code §8A-7-9 states that if the amendment is found to be inconsistent, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted, and those changes have substantially altered the basic characteristics of the area, prior to approving the request.

**Proposed Zoning District – Residential Growth (RG) and Light Industrial (LI)**

This petition is requesting that the two parcels in question, with a combined acreage of 238.9 acres (based on recent survey) be partly rezoned to Light Industrial (~43.7 acres) and partly to Residential Growth (~195.2 acres). The Zoning Ordinance describes the purposes of these districts as follows:

Section 5.4 of the Zoning Ordinance states that the Residential Growth (RG) District is intended to provide for a variety of residential uses and densities that can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of the Ordinance.

Section 5.14 of the Zoning Ordinance states that the Light Industrial (LI) District is intended to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials. The Ordinance states that the LI zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted *Comprehensive Plan*. There are no other properties in the County utilizing the LI zoning at this time.

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**Staff Recommendation**

Staff finds that the proposed rezoning of this property from Rural (R) to Residential Growth (RG) and Light Industrial (LI) is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.

**Planning Commission Action**

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. It further states that if it is determined to be inconsistent, the Planning Commission should advise the County Commission of whether findings can be made in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended. §8A-7-9(c) states that if a zoning map amendment is inconsistent with the *Comprehensive Plan*, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on April 15, 2021 and the required Public Hearing has been scheduled on June 3, 2021 at 1:30 pm. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to June 3<sup>rd</sup>.

**Attachments:**

- Section 5.4 Residential Growth (RG) District
- Section 5.14 Light Industrial (LI) District

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**ATTACHMENTS:**

**Section 5.4 Residential Growth (RG) District**

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.

The following regulations govern development within the Residential Growth District.

**A. Principal Permitted and Conditional Uses<sup>23,27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

**B. Minimum Lot Area, Height, and Yard Requirements**

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.
3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.

**C. Commercial Services in Residential Developments**

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.



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**D. Standards for Commercial Uses**

1. Commercial uses are subject to the following access requirements:
  - a. Such uses will not use adjacent residential roads for through traffic; and
  - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

**Section 5.14 Light Industrial (LI) District**

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive *Plan*, if the *Plan* does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive *Plan*.

**C. Permitted Uses**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

**D. Site Development Standards**

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

**E. Additional Requirements**

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.



**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 41</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Solar Energy Facility <sup>41</sup>	NP	P	P	P	P	NP	NP	P	P	P	P	NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Structure must have existed for 5 years													
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District